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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/320,271	05/27/1999	HIROYUKI WATANABE	990559	4409

23850 7590 12/16/2002

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EXAMINER

LEE, CALVIN

ART UNIT	PAPER NUMBER
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2825

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/320,271

Applicant(s)

H. WATANABE et al.

Examiner

Calvin Lee

Art Unit

2825



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on November 18, 2002 (RCE and IDS)
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 26
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**FINAL ACTION**

***Response to Pre Amendment***

1. The IDS filed on November 18, 2002 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Note: The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-13 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by *Mizuhara et al.* or *Watanabe et al.*

- a) *Mizuhara* discloses a semiconductor device and its method, comprising the steps of:

- forming an organic SOG layer **9** (as a first insulator) on an oxide film **8** and over a flat substrate's face [Figs. 4-5 and col. 4, lines 25-43]
- introducing impurities B<sup>+</sup> into the organic SOG layer (so the impurities arrive at the interface between the SOG layer and its underlying oxide), thereby modifying the organic SOG layer **9** to an SOG layer **10** [Fig. 6 and col. 4, lines 45-51]
- forming a via hole **12** in the modified SOG layer using a mask pattern [col. 4, lines 58-62]

- embedding and forming a first conductive layer **13** of copper alloy in the trench [col. 5]

The method can extend to have second, third, and fourth interconnections, as desired, by repeating the above steps [col. 5 line 61 through col. 6 line 62].

b) *Watanabe* teaches a fabrication method of a semiconductor device, comprising the steps:

- forming an organic SOG layer **8** (containing 1% of carbon) on an oxide film **5** overlying a substrate **1** [col. 6 lines 1-18]
- introducing impurities into the insulating layer [Fig. 4] so the impurities arrive at the interface between the insulating layer and the oxide film [col. 6, line 39 and col. 7, line 32]

Note: the implantation at the interface between organic SOG layer **8** and oxide film **5** prevents modified SOG layer **9** [col. 6, line 53] from being easily peeled off from the oxide film [col. 6, lines 52-59 and col. 7, lines 30-37]

- forming a via hole **10** in the insulation layer [col. 8 lines 52-63]
- embedding and forming a first conductive layer **11** over the trench [Fig. 5 and col. 7 lines 9-29]

The method can be repeated to form a conventional multi layer structure having second, third, and fourth interconnections, as required.

Although neither *Mizuhara et al.* nor *Watanabe et al.* teaches or suggests a trench, their via holes are equivalent to a claimed trench for subsequent interconnect formation. As a result, both *Mizuhara et al.* and *Watanabe et al.* inherently teaches a trench formed in an insulating layer

#### ***Response to Arguments***

4. There is no amendment or argument since the last Office Action, dated 8/21/02.

Applicant is reminded to submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire three months from the mailing date of this action. In the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than six months from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to *Calvin Lee* at (703) 306-5854 from 7 to 17 ET (Monday through Thursday). If attempts to reach the examiner by telephone are unsuccessful, Art Unit 2825's Supervisory Patent Examiner *Matthew Smith* whose telephone number is (703) 308-1323.

Any inquiry relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0596. The fax phones are (703) 872-9318 for regular communications and (703) 872-9319 for After-Final communications.

CL

November 27, 2002

  
MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
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